

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve Safety on Railroad Rights-of-way

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §7007, as repealed and replaced by PL 2003, c. 452, Pt. L, §12 and affected by Pt. X, §2, is amended to read:

§ 7007. Penalty for being on track or bridge or entering track with team or vehicle

1. Walking or standing on or crossing track, bridge or railroad right-of-way. A person may not, without right, stand ~~or~~, walk ~~or~~ ride in a railroad track or railroad bridge right-of-way or pass over a railroad bridge except by railroad conveyance or cross a railroad track at a location other than at a designated crossing for that purpose. A person may not cross a track when a train is approaching and sounding its bell or horn or displaying warning lights.

2. Entering track or right-of-way. A person may not, without right, enter upon a railroad track or right-of-way with a team or a vehicle however propelled or drive any team or propel a vehicle upon a railroad track.

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than ~~\$5~~\$100 and not more than ~~\$100~~\$500 may be adjudged.

B. A person who violates subsection 1 after having previously violated subsection 1 commits a ~~civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged~~Class E crime.

C. A person who violates subsection 1 after having previously violated subsection 1 ~~2 or more times~~ commits a ~~civil violation for which a fine of not less than \$500 and not more than \$1000 may be adjudged.~~

D. A person who violates subsection 2 commits a Class E crime and is liable to the owner of the track for any damages to the track or its substructure and for removal of any vehicle from the right-of-way. Violation of subsection 2 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

E. A person whose violation of subsection 2 results in a collision of a vehicle with a train or other railroad equipment commits a Class D crime and is liable for any injuries or damages resulting from the collision.

SUMMARY

This bill expands the prohibition on being on or crossing a railroad track or bridge by including railroad rights-of-way and persons crossing at other than designated crossing locations. This bill also increases the civil penalty and clarifies liability for a person being on or crossing a railroad track or right-of-way and makes repeat violations and colliding with a train or railroad equipment crimes.